



ERF 5959, 19 FERNKLOOF DRIVE, HERMANUS HEIGHTS, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF L & EM VAN DER MERWE

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for **departure** in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 0m and the street building line from 4m to 0m respectively in order to accommodate the conversion of the existing carport into a garage.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **24 January 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, **Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 5959, FERNKLOOF RYLAAN 19, HERMANUS HEIGHTS, HERMANUS: OVERSTRAND MUNISIPALE AREA: AANSOEK VIR AFWYKING: MNRE INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF L & EM VAN DER MERWE

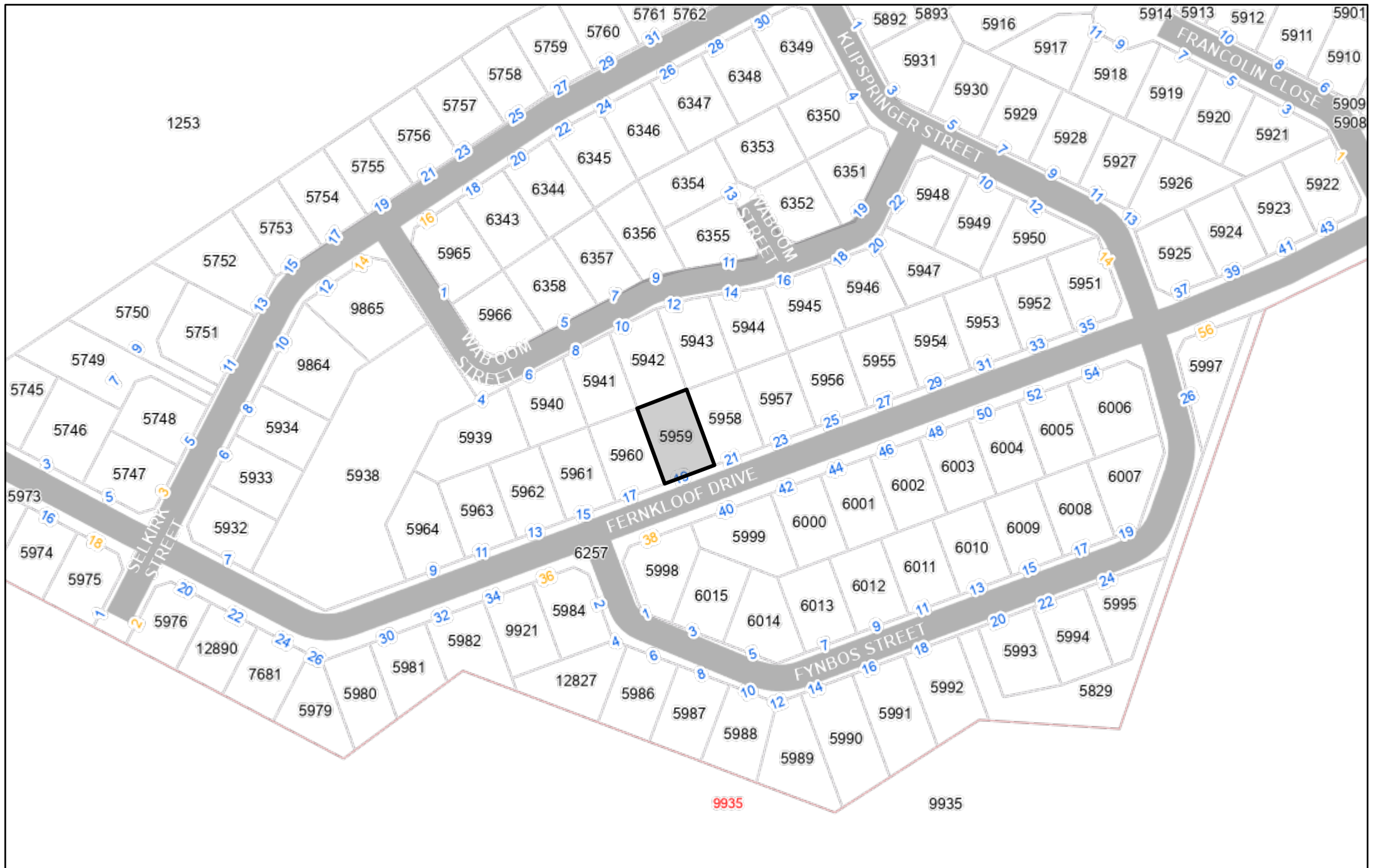
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir 'n **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die oostelike lateraleboulyn vanaf 2m to 0m en die straatboulyn vanaf 4m na 0m onderskeidelik te verslap ten einde die bestaande motorafdak te omskep in 'n motorhuis.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) voor of op **24 Januarie 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. P. Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 5959, 19 FERNKLOOF DRIVE, HERMANUS HEIGHTS, HERMANUS, KUMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA- L & EM VAN DER MERWE

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala wase-Overstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala ukuba kufunyenwe isicelo **sokunyenysiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenysiswe umgca wesakhiwo okwicala elingasempuma ukusuka ku-2m ukuya ku-0m, kunye nomgca wesakhiwo ongasesitalatweni ukusuka ku-4m ukuya ku-0m ukuze kuvunyelwe ukuba indawo yokumisa imoto yenziwe ibe yigaraji.

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 neCandelo 52 loMthetho kaMasipala ochaziweyo (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngaphambi okanye engadlulanga umhla we- **24 Eyomqungu 2025**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingafakwa kuMcebi Dolophu, **uMnu P Roux** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza akhe



1. Introduction

a. Brief

Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning is appointed by the owner of the property Le Roux & Ester Maria Van Der Merwe to prepare and submit an application for a building line departure on Erf 5959, Hermanus Heights in terms of the relevant legislation.

b. Background, Development Objective & Application Proposal

The **development objective** is to allow for the carport to be converted into a garage.

The existing carport is on the street boundary as well as the eastern side boundary. The existing carport consists of brick pillars, on a brick frame and tiled roof.

The openings of the carport is proposed to be bricked up to create a garage with a garage door on the street façade as well as two windows and a door on the western side of the garage.



Figure 1: Photo of the existing carport

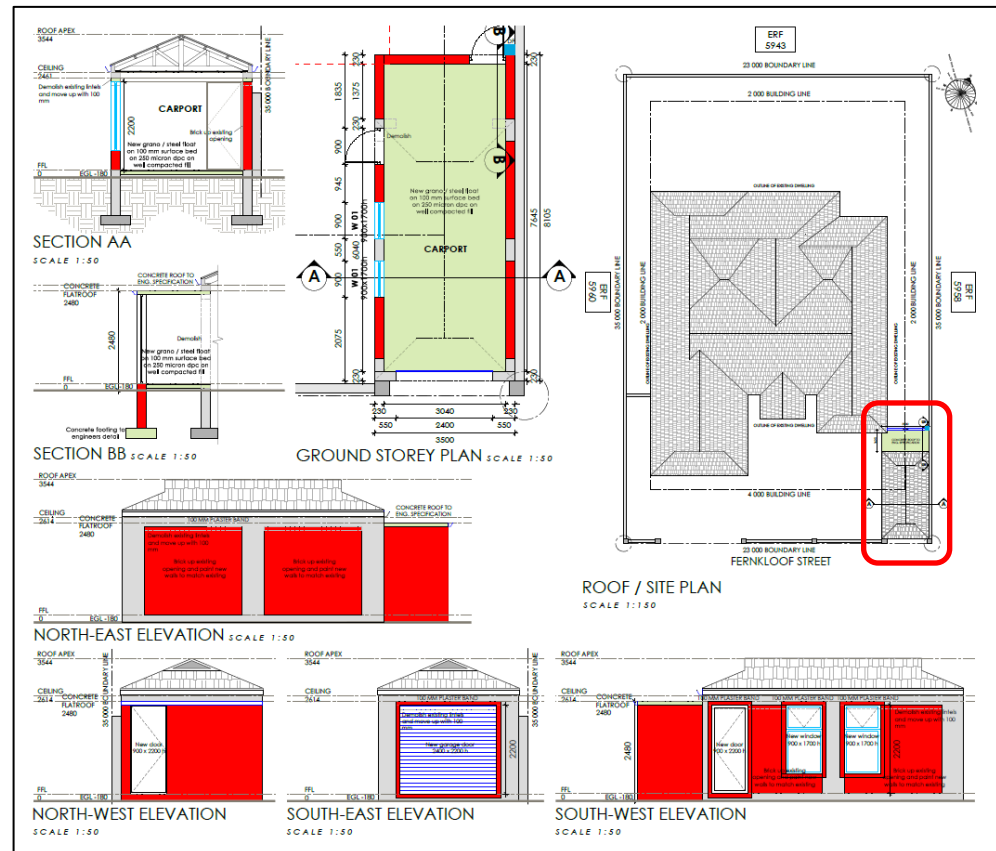


Figure 2: Proposal building plan

	<p>Subsequently to realize the above development objective, the following applications need to be made:</p>
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- A departure to relax the **eastern side building line** from 2m to 0m to allow for a carport to be converted to a garage.
- A departure to relax the **street building line** from 4m to 0m a to allow for a carport to be converted to a garage.

2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The conveyancer Amelia Galvin from Virtual Lawyers has provided a conveyancer certificate confirming that no title deed conditions exists which restricts the development proposal.</p>				
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 5959 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	Parameters	Existing Zoning:	Proposal:	Comments	
	Zoning	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Consistent	
	Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent	
	Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent	
	Coverage	50%	39.9%	Consistent	
	Height	8m	<8m	Consistent	
	Building lines	Street	4m	4m 0m for garage	Application is for a departure
		Side	2m	2m 0m east for garage	Application is for a departure
		Rear	2m	2m	Consistent
	Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent	
<p>c. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:</p> <ul style="list-style-type: none"> A <u>departure</u> to relax the eastern side building line from 2m to 0m to allow for a carport to be converted to a garage in terms of Chapter IV, Section 16(2)(b). A <u>departure</u> to relax the street building line from 4m to 0m a to allow for a carport to be converted to a garage in the existing roof in terms of Chapter IV, Section 16(2)(b). 				

3. Contextual Site Information

a. Property Description	Property	Extent	Title Deed	Registered Owner
<p>Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 5959 Hermanus Heights.</p>	Erf 5959 Hermanus	805m ²	T1827/2024	Le Roux & Ester Maria Van Der Merwe
<p>The following Surveyor General Plans reflect the application site:</p>				
<p>Figure 3: Extracts of the Surveyor General Plans of the application site</p>				

b. Location:

For the Locality Plans refer to Annexure F

Regional Context:

Within the regional context, the application area is located within Hermanus Heights which is located between the Hermanus Golf Course and the Olifantsberg mountain.

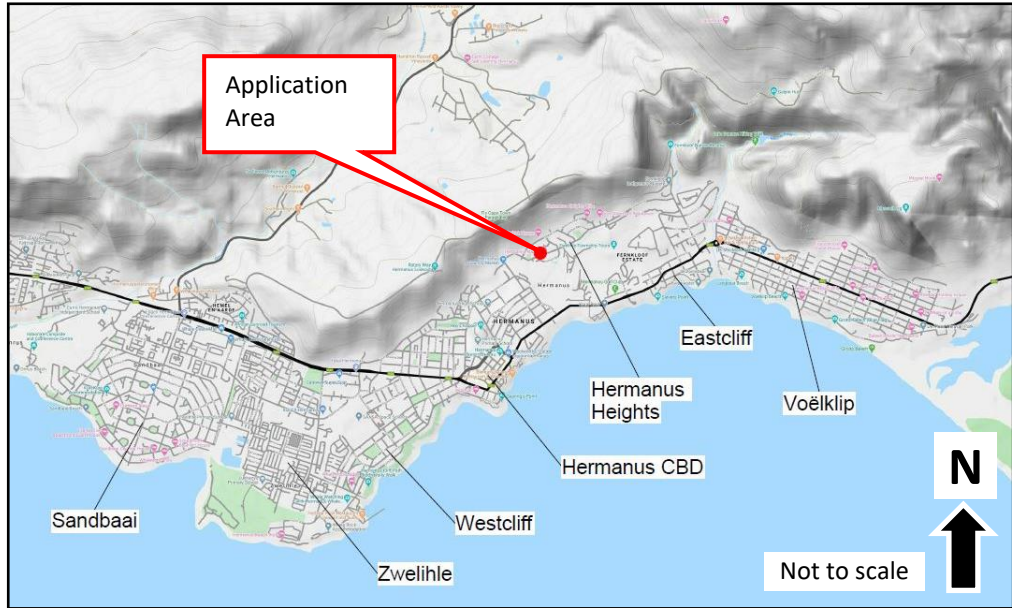


Figure 4: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a single residential zoned erf within Hermanus Heights. The application area is located at number 19 Fernkloof Drive.



Figure 5: Locality Plan – Local Context

c. Land Use:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G.**

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings. No change in land-use is proposed. The application proposal is **consistent** with the land-use of the area.

Figure 6: Aerial image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure H.**

The application area, Erf 5959, Hermanus Heights is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

Figure 7: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area and the development proposal:

i. Overstrand Municipal Spatial Development Framework, 2020

The application area falls within an Urban Development area within the Urban Edge.

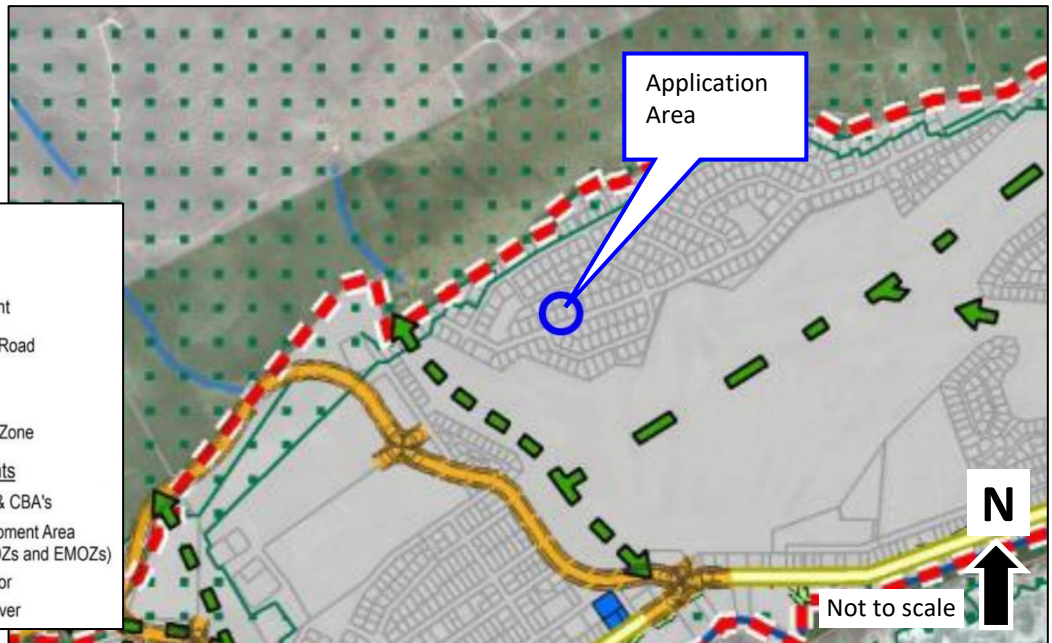


Figure 8: Spatial Development Framework 2020 Spatial Proposals Plan

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

ii. Overstrand Municipality Growth Management Strategy, 2020

The application area is within an area earmarked for Less Than 10 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application, as the proposal is to allow for the conversion of an existing carport into a garage.

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2020.

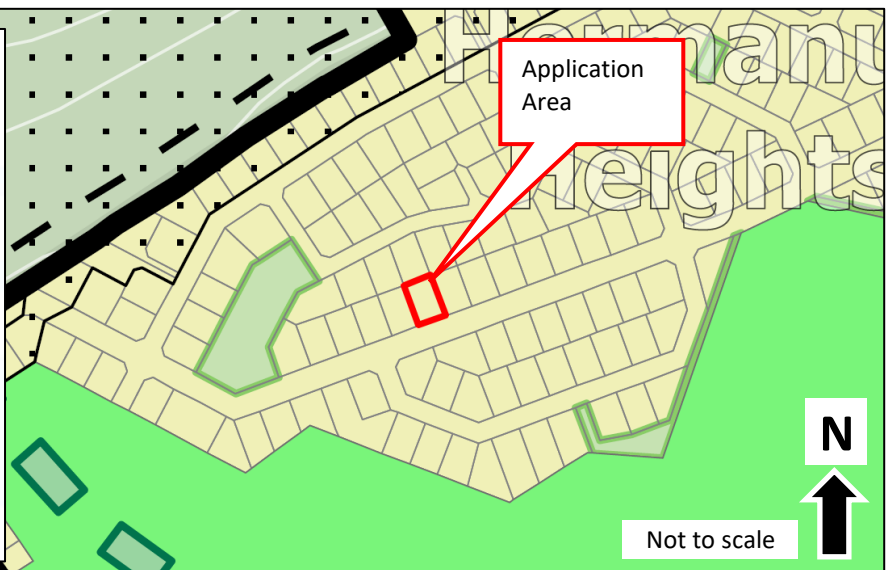


Figure 9: Extract from the Overstrand Municipality Growth Management Strategy, 2020

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan

a. Introduction and Background

The application area is located on a single residential zoned erf within Hermanus Heights and accommodates an existing single storey dwelling house. The erf is located on 19 Fernkloof Drive.

An existing approved carport is located on the south western corner of the property.

The existing carport has brick pillars and frame with a sloped tile roof, thus having the same style as the house. The existing carport is 2.6m in height on the boundary and slopes up to a central roof apex with a height of 3.36m. The existing carport dimensions are 3.5m by 6.5m, thus having a covered area of 22.75m².



Figure 10: Existing carport

b. Proposal

The **development objective** is to allow for the existing single-vehicle carport on the street and eastern side boundaries to be converted into a garage.

The existing carport openings are proposed to be bricked up with a garage door on the street façade as well as a door and two windows on the western side of the proposed garage. The carport/ garage is also proposed to be extended 1.6m northwards and the extension is proposed to have a flat roof.

No windows or doors will be facing the adjacent property to the west. With exception of the vehicle garage door, no doors or windows are proposed within 1m of the property boundaries. The carport is also existing, with the exception of the 1.6m extension and will therefore the proposal will not impact on views, light or privacy of neighbouring properties.

The proposal will make use of the existing access point. The proposed garage will also be 6.4m from the road kerb.

The proposed garage proposed over the building lines is not considered as habitable space.

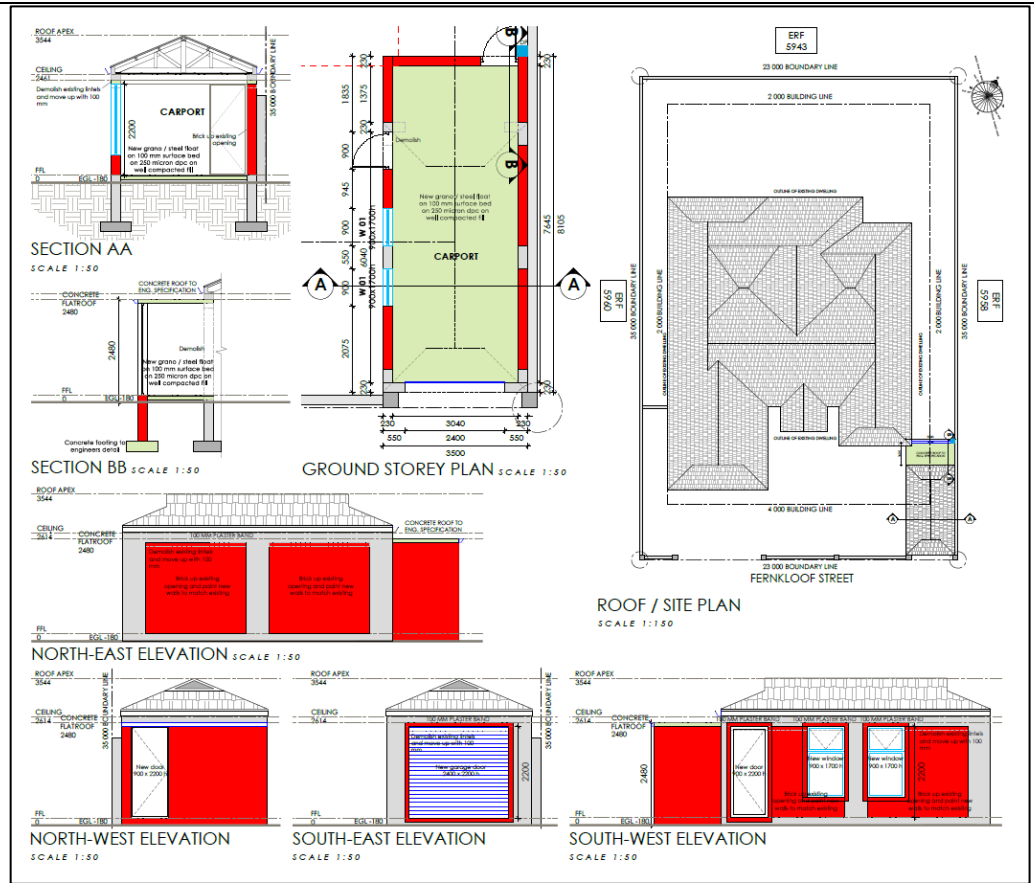


Figure 11: Building plan extract

c. Desirability

The proposed additions and amendments are considered **desirable** for the following reasons:

- The proposed additions and amendments exceeding building lines will not negatively impact on privacy, views or light of neighbouring properties.
- Access around the dwelling is maintained.
- No additional habitable spaces are proposed to exceed building lines.
- The proposed additions and amendments will improve the functionality of the property.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it only relates to the conversion of a carport to a garage.

The application proposal is **consistent** with the principle of **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

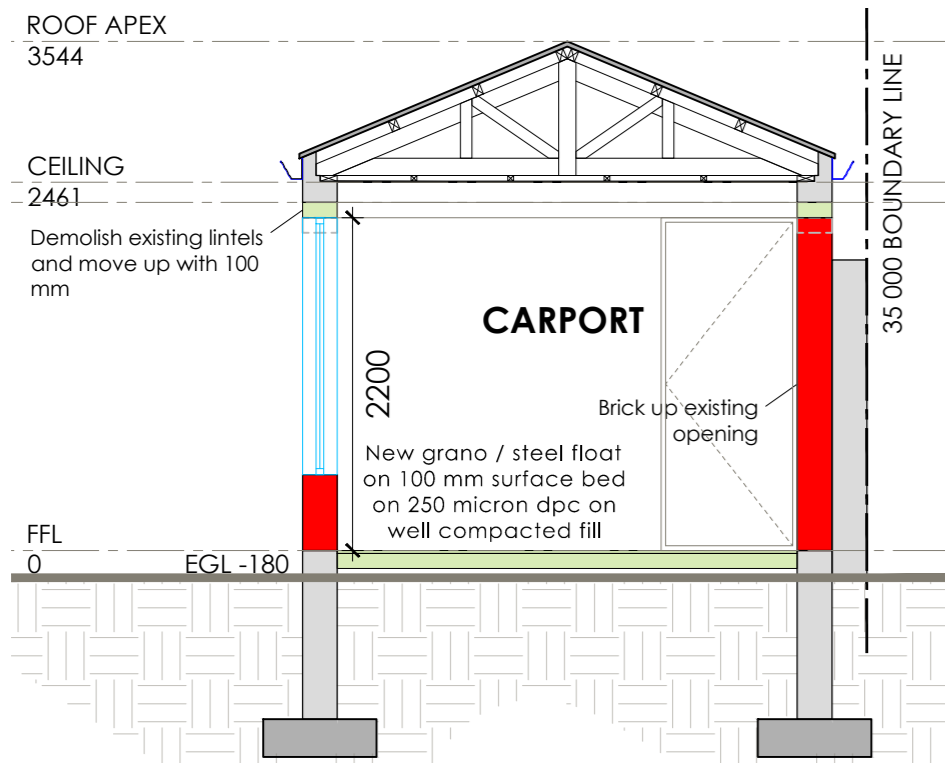
	<p>Possible results of the development The proposal will allow for a structure on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.</p> <p>The application proposal is consistent with the principle of spatial sustainability.</p> <p>3) Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p>Possible results of the development The proposal does not have an impact on the layout or efficiency of the town as it only relates to a carport to be converted to a garage.</p> <p>The application proposal is consistent with the efficiency principle.</p> <p>4) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p>Possible results of the development The application proposal will not impact on spatial resilience.</p> <p>The application proposal is consistent with the principle of spatial resilience.</p> <p>5) Good Administration which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p>Possible results of the development Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is consistent with the principle of good administration.</p>
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5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs, while potentially increasing the land value, without any material negative impact on the surrounding environment or on the application area currently evident or foreseen to result in future.

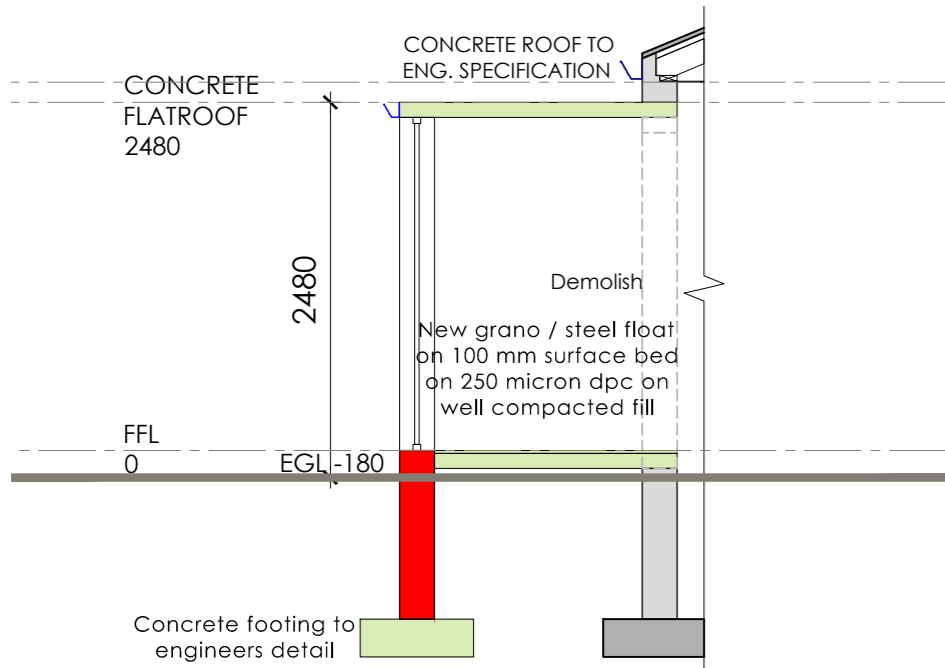
It is therefore recommended that the application **be approved** for the following:

- A departure to relax the **eastern side building line** from 2m to 0m to allow for a carport to be converted to a garage in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the **street building line** from 4m to 0m to allow for a carport to be converted to a garage in the existing roof in terms of Chapter IV, Section 16(2)(b).



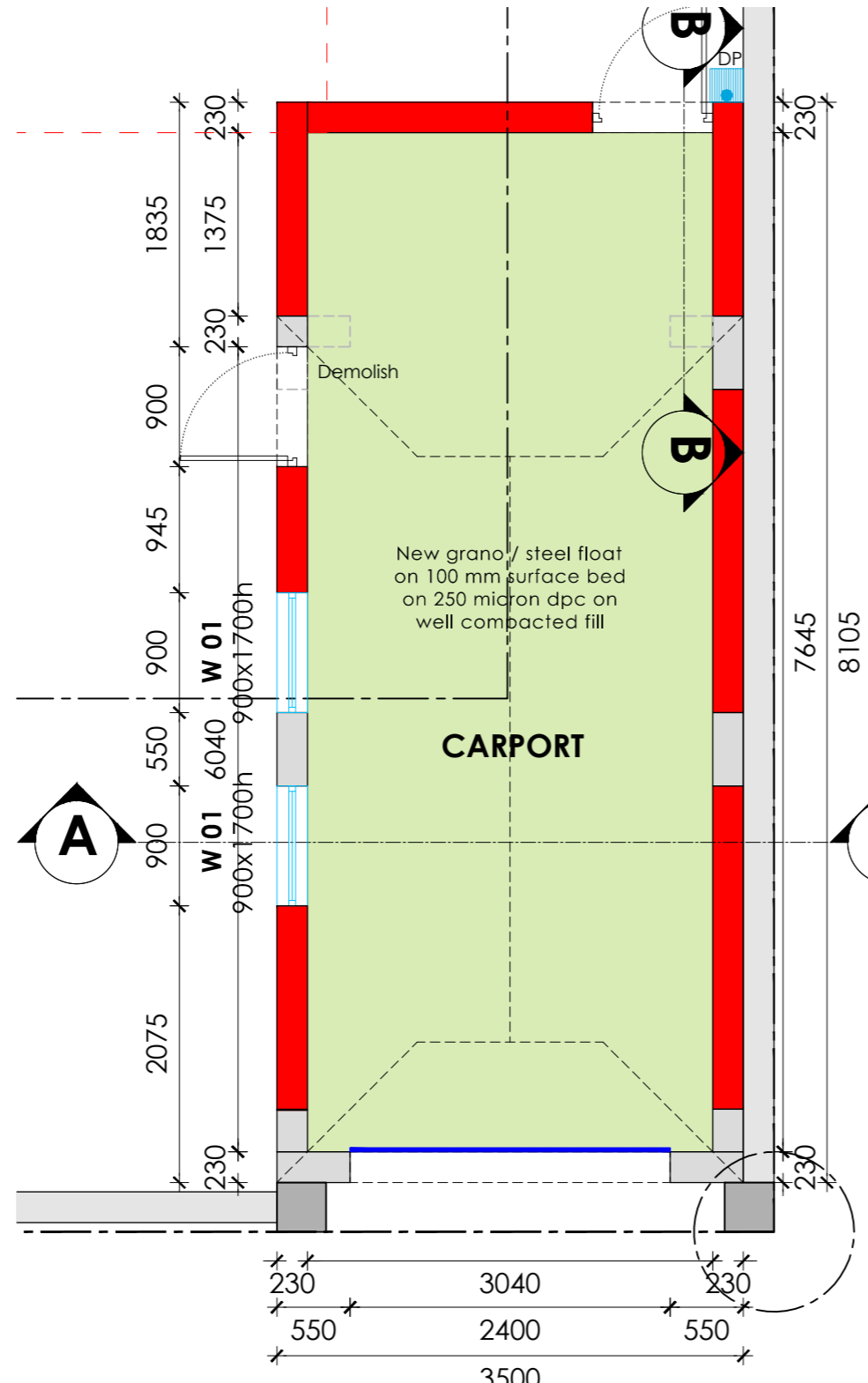
SECTION AA

SCALE 1:50



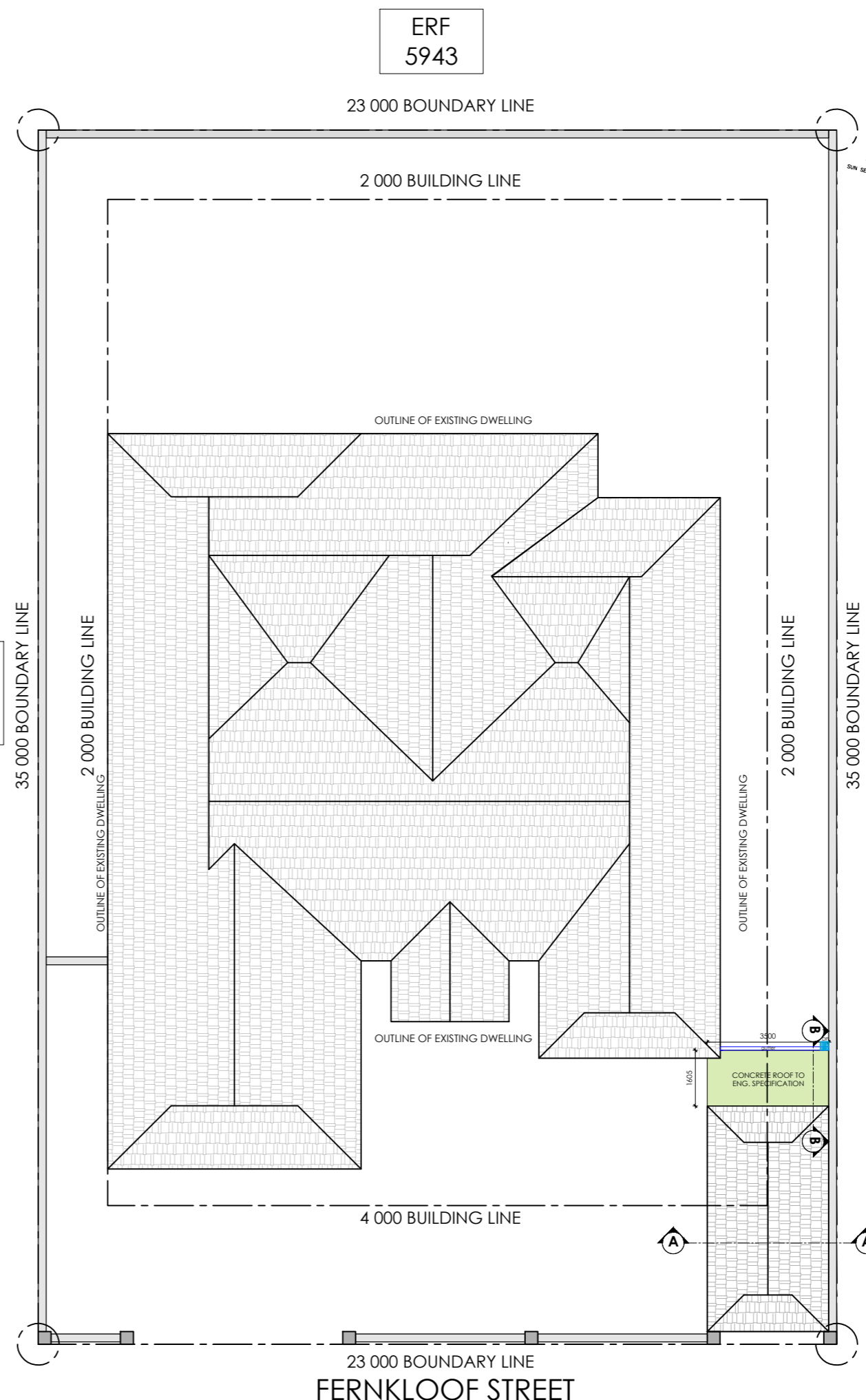
SECTION BB

SCALE 1:50



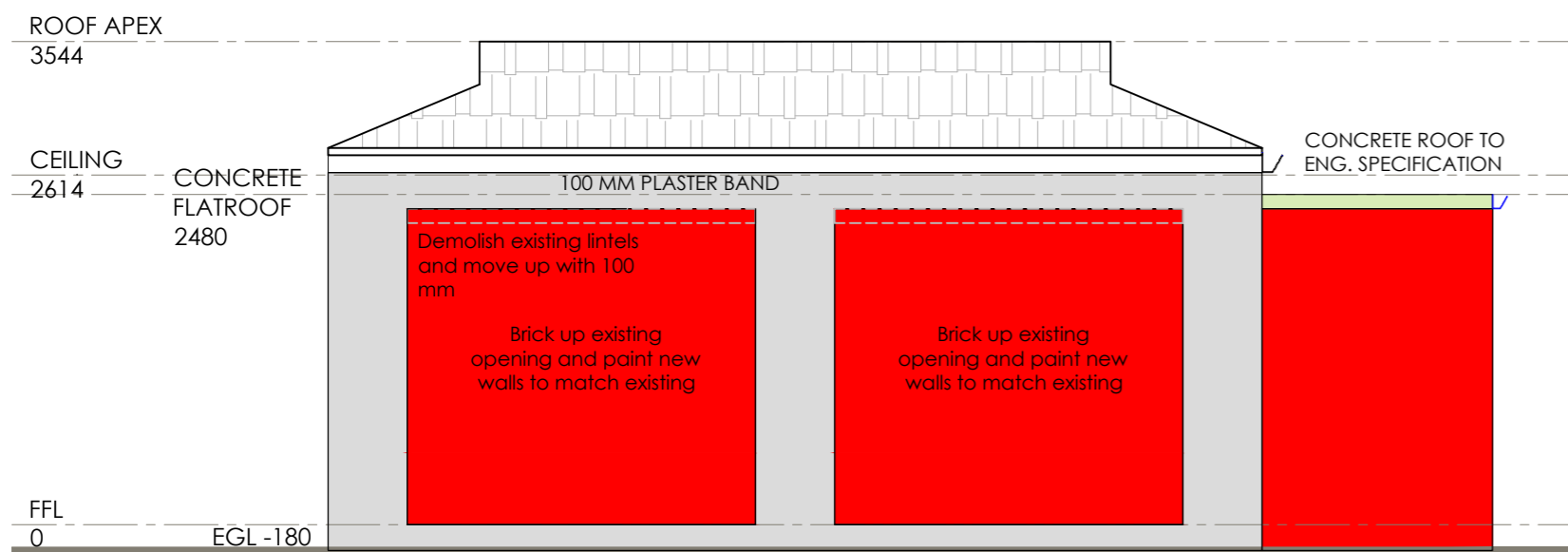
GROUND STOREY PLAN

SCALE 1:50



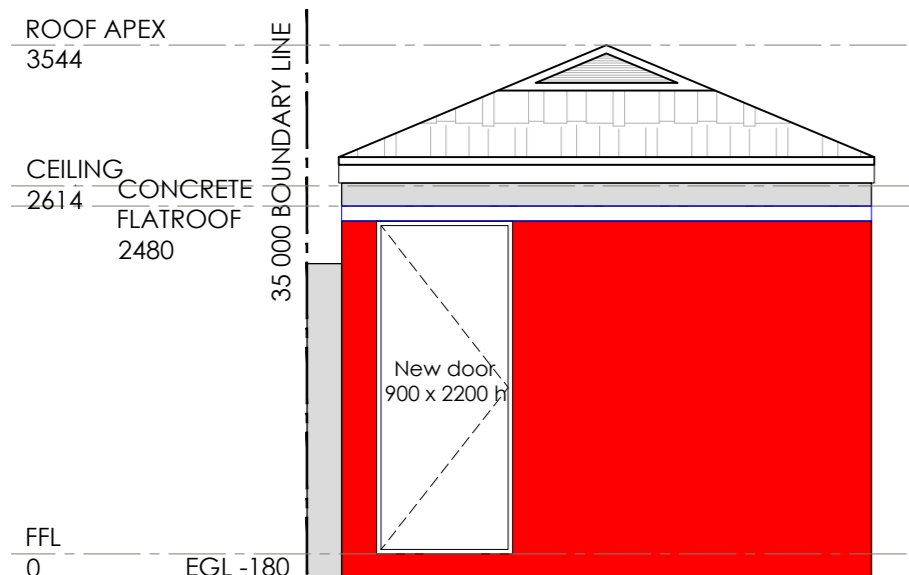
ROOF / SITE PLAN

SCALE 1:150



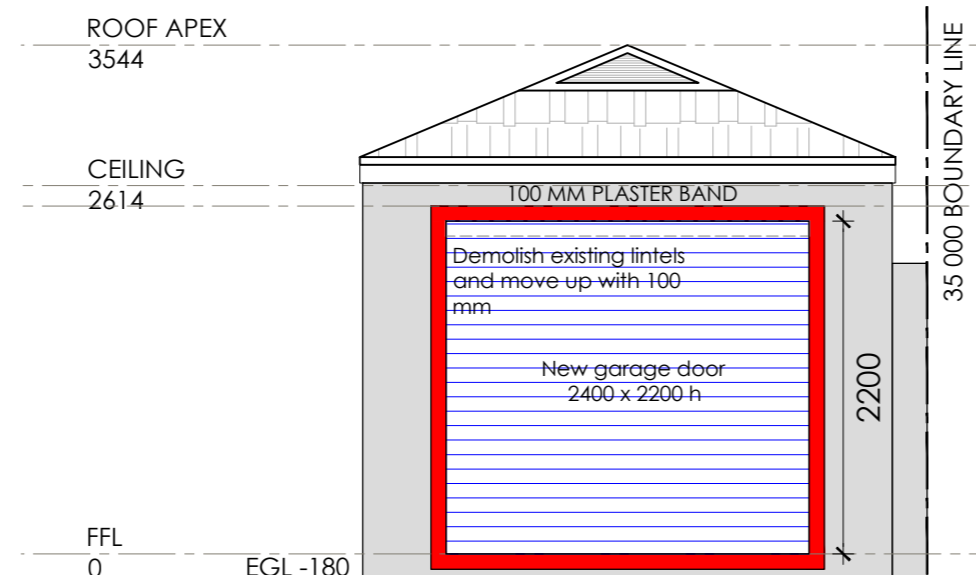
NORTH-EAST ELEVATION

SCALE 1:50



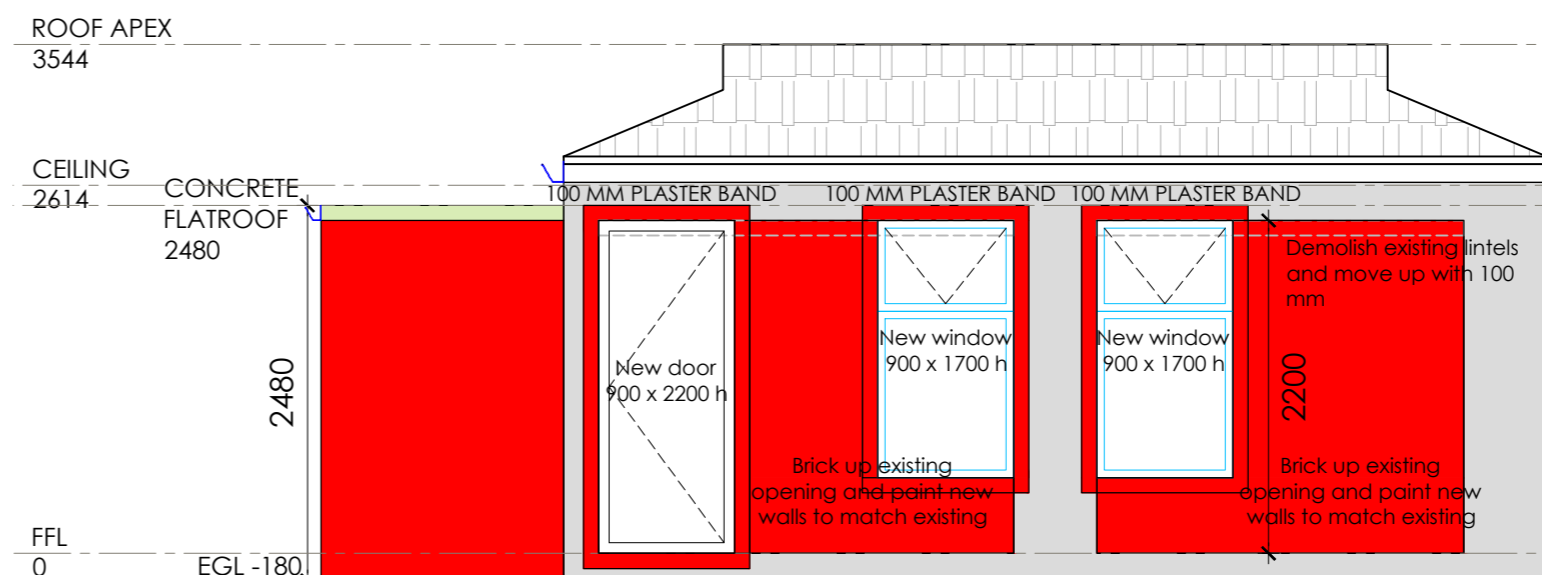
NORTH-WEST ELEVATION

SCALE 1:50



SOUTH-EAST ELEVATION

SCALE 1:50



SOUTH-WEST ELEVATION

SCALE 1:50

GENERAL NOTES:
 ALL DIMENSIONS AND LEVELS TO BE CHECKED AND VERIFIED ON SITE BY THE CONTRACTOR PRIOR TO COMMENCING ANY WORKS
 FIGURED DIMENSIONS ARE TO TAKE PREFERENCE TO SCALING. ALL DISCREPANCIES ON DRAWINGS OR INTENDED VARIATIONS FROM DRAWINGS ARE TO BE CLEARED WITH THE PROJECT MANAGER BEFORE COMMENCING
 ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH REGULATIONS AS LAID DOWN IN THE NATIONAL BUILDING REGULATIONS.
 ALL EXISTING MATERIAL REMAINS THE PROPERTY OF THE OWNER UNLESS OTHERWISE STATED.

SUBMISSION CALCULATIONS

MUNICIPAL BY-LAW		
Site Area		805 m ²
Zoning		SR1
Permitted Floor Factor		N/a
Maximum Floor Space		N/a
Permitted Coverage		50%
Maximum Height		8 m
Street Building Line		4 m
Common Building Line		2 m
Rear Building Line		2 m
EXISTING		
Building Footprint (incl. carport)		315.84 m ²
Building Coverage		39.2 %
PROPOSED		
Building Footprint (incl. carport)		321.46 m ²
Building Coverage		39.9 %

ISSUED FOR MUNICIPAL APPROVAL



ARCHITECTURE
PROJECT MANAGEMENT

INFO@GROWARCHITECTURE.COM
WWW.GROWARCHITECTURE.COM

UNIT 15, CANAL EDGE 4, TYGER WATERFRONT, BELLVILLE
087 702 7619 | 082 681 4454

PROJECT:
 HOUSE ESMARIE VAN DER MERWE
GARAGE ADDITIONS AND ALTERATIONS

LOCATION:
 FERNKLOOF STREET,
 HERMANUS

ERF: 5959
DRAWING:
 PLANS, SECTIONS,
 ELEVATIONS

DATE: 2024 10 16	DRAWN: AO	REV: 02
SCALE: AS INDICATED	DWG. No. DRAWING NO. 101	
OWNER'S SIGNATURE:	ARCH. SIGNATURE:	